

REMARKS

Please reconsider this application in view of the above amendments and following remarks. Applicant thanks the Examiner for indicating that dependent claim 5 contains allowable subject matter and for carefully reconsidering this application.

Disposition of Claims

Claims 1-6 and 10-12 are pending in this application. Claims 1 and 2 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 2.

Claim Amendments

Claims 1-6 and 10-12 have been amended in this reply to clarify the present invention and to correct errors recited therein. Specifically, claims 1 and 2 have been amended to recite having an inner periphery of the base part completely in contact with the entire outer periphery of the high-tensile-strength belt. Further, claims 1 and 2 have been amended to cancel the limitations related to having a thin high-tensile-strength belt. Accordingly, no new matter has been added by this reply, as support for these amendments may be found, at least, within Figures 3 and 4 of the originally filed drawings.

Claim Objections

Claim 1 was objected to for containing informalities. Specifically, claim 1 was objected to by the Examiner for reciting the term "being" in front of the term "holes" in line 5 and in front of the term "recesses" in line 13. In response, Applicant has corrected both of these informalities. Applicant thanks the Examiner for the suggested amendments to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to claim 1.

Claim Rejections under 35 U.S.C. § 112

Claims 1-6 and 10-12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1 and 2 are amended in this reply. To the extent that this rejection applies to these claims as amended, this rejection is respectfully traversed.

Specifically, with respect to claims 1 and 2, the Examiner asserts that the limitation “of a plate,” recited within both claims 1 and 2, is indefinite because it is unclear as to what element is being claimed by the limitation. In response, this limitation has been cancelled from claims 1 and 2. Accordingly, Applicant respectfully requests withdrawal of this rejection

Further, with respect to claims 1 and 2, the Examiner asserts that the term “thin” is a relative term that renders the claims indefinite, as the specification does not provide a standard for ascertaining the requisite degree that “thin” refers to. In response, this limitation has also been cancelled from claims 1 and 2. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections under 35 U.S.C. § 103*Claims 1-3, 6, and 10-12*

Claims 1-3, 6, and 10-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,953,921 (“Burns”) in view of France Patent No. FR 1,013,382 (“Plante”). Independent claims 1 and 2 are amended in this reply. To the extent that this rejection applies to independent claims 1 and 2, as amended, this rejection is respectfully traversed.

Claim 1 recites a crawler belt having an endless high-tensile-strength belt and a belt main body made of elastic material and attached to an outer periphery of the high-tensile-strength belt. The high-tensile-strength belt includes engagement holes arranged at even intervals in a circumferential direction thereof, the engagement holes to engage with engagement projections of a wheel. The belt main body integrally includes an endless base part attached all around an outer periphery of the high-tensile-strength belt and a plurality of tread lugs formed spacedly on an outer periphery of the base part. An inner periphery of the base part is completely contacting the entire outer periphery of the high-tensile-strength belt, and the base part covering the engagement holes and having escape recesses is formed at locations corresponding to the engagement holes of the high-tensile-strength belt, the escape recesses to receive the engagement projections of the wheel. Claim 2 then recites a crawler unit having a plurality of wheels disposed separately in a front and rear direction and a crawler belt trained about the wheels. Amongst other elements, the crawler belt includes an endless high-tensile-strength belt of a plate and a belt main body made of elastic material and attached to an outer periphery of the high-tensile-strength belt, in which an inner periphery of the base part is completely contacting the entire outer periphery of the high-tensile-strength belt.

In contrast, Burns merely discloses, particularly in Figures 3 and 4, a track assembly 13 having a track wheel 25 and an endless track 27 fitted onto the track wheel 25. The endless track 27 includes an endless flexible band 33 having an outer face 35 and an inner face 37. Though flexible, the endless band 33 is also longitudinally inextensible so as to resist undue stretching. Elongated tread elements 41 are then provided on the outer face 35 of the endless track 27. Fastening means 49 are then used at *selected locations* to secure the tread elements 41 to the endless band 33. Further, Plante discloses in Figure 3 a drive wheel having an endless

track disposed thereabout and including projections extending therefrom. The projections are configured to engage recesses **A** formed within the endless track to enable the drive wheel to move the endless track. As such, the Examiner asserts that it would be obvious to combine the above references to obviate the claims of the present invention.

In response, Applicant respectfully asserts that Burns and Plante, whether considered separately or in combination, fail to teach all of the elements of independent claims 1 and 2, as amended. Specifically, claims 1 and 2 require that an inner periphery of the base part of the crawler belt be completely in contact with the entire outer periphery of the high-tensile-strength belt. For example, as shown in Figures 3 and 5 of the present application, the crawler belt **20** includes a high-tensile-strength belt **21** with a belt main body **22** attached to an outer periphery thereof. This belt main body **22** then integrally includes an endless base part **23**, in which the base part **23** is in complete contact with the outer periphery of the high-tensile-strength belt **21**. By having this arrangement of the base part **23** with the high-tensile-strength belt **21**, this may enable a more uniform distribution of stress and force about the crawler belt **20**.

Burns and Plante, on the other hand, neither show nor suggest having an outer periphery of a high-tensile-strength belt in complete contact with a base part of the crawler belt. In Burns, assuming that the endless flexible band **33** and the elongated tread elements **41** are recognized as the high-tensile-strength belt and the belt main body of the present invention, respectively, the elongated tread elements **41** are only attached to the endless flexible band **33** *at selected locations* therebetween, using the fastening means **49**. Further, Plante altogether fails to show having a crawler belt formed from a high-tensile-strength belt and a base part, much less having the high-tensile-strength belt in complete contact with the base part of the crawler belt. As such, Burns and Plante both fail to show or suggest having an inner periphery of the base part

of the crawler belt be completely in contact with the entire outer periphery of the high-tensile-strength belt, as independent claims 1 and 2 both require.

In view of the above, because Burns and Plante, whether considered separately or in combination, fail to teach each limitation recited in independent claims 1 and 2, these claims are patentable over Burns and Plante. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 4

Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Burns in view of Plante, and further in view of United Kingdom Patent No. GB 2,138,534 ("Tangorra"). Independent claim 2, from which claim 4 depends, is amended in this reply. To the extent that this rejection applies to this claim as amended, this rejection is respectfully traversed.


As discussed above, Burns and Plante fail to show or suggest all limitations of independent claim 2. Further, Tangorra does not teach that which Burns and Plante lack. This is evidenced by the fact that Tangorra is only relied upon for teaching the use of both the engagement holes and escape recesses having a generally semi-spherical shape. In view of the above, Burns, Plante, and Tangorra, whether considered separately or in combination, fail to show or suggest all limitations of claim 4. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 12088/044001).

Dated: April 9, 2009

Respectfully submitted,

By  #45,079
Jonathan P. Osha *THOMAS SCHULZ*
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant